

**Court of Appeals, State of Michigan**

**ORDER**

Lilia Alberto, Personal Representative of the Estate of Guadalupe  
Alberto v Toyota Motor Corporation

Docket No. 296824

LC No. 09-091973-NP

Henry William Saad  
Presiding Judge

Kathleen Jansen

Pat M. Donofrio  
Judges

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On August 5, 2010, this Court issued its Opinion and Order which reversed the trial court's refusal to grant a protective order sought by Toyota Motor Corporation to quash the depositions of Mr. Inaba and Mr. Lentz.

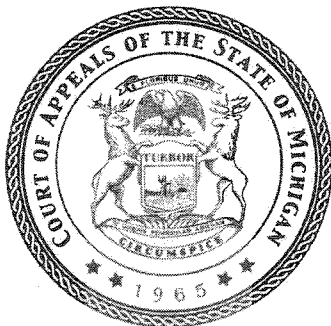
This Court ruled that the apex deposition rule is applicable to top level positions within private corporations and institutions and thus, should be applied here just as Michigan law has applied this rule in the public sector.

Therefore, the trial court was ordered to make findings of fact and conclusions of law regarding special knowledge of the deponents, if any, and available, alternative means of securing this information, if any, in order to comply with the analysis compelled by the apex deposition rule.

This Court retained jurisdiction and remanded this matter to the trial court to proceed in accordance with our Opinion and Order. And, after a hearing on this matter, the trial court granted defendant the protective order.

This Court orders that because this discovery issue has been resolved, this appeal is concluded.

Jansen, J., concurs in the dismissal of the appeal only.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**OCT 26 2010**

\_\_\_\_\_  
Date

*Sandra Schultz Mengel*  
\_\_\_\_\_  
Chief Clerk